

4159. Misbranding of Miracle hearing aid. U. S. v. 450 Devices, etc. (F. D. C. No. 35209. Sample No. 39517-L.)

LABEL FILED: May 6, 1953, Southern District of California.

ALLEGED SHIPMENT: On or about August 8, 1952, from East Orange, N. J., by Borden Conrad, trading as the Miracle Hearing Aid Co. of California.

PRODUCT: 450 devices called the *Miracle hearing aid* at Hollywood, Calif., together with a number of circulars entitled "Sensational, New Miracle Hearing Aid" and a number of leaflets entitled "Instructions and Guide in Using and Handling Miracle Hearing Aid Efficiently."

The device consisted of a piece of wire, twisted into the shape of a miniature tuning fork, and rubber discs with perforated centers into which the wire was to be inserted.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars and leaflets accompanying the device were false and misleading. The statements represented and suggested that the device provided an adequate and effective aid to auditory acuity of deaf persons, whereas the device did not provide an adequate and effective aid to the auditory acuity of deaf persons.

DISPOSITION: June 5, 1953. Default decree of condemnation and destruction.

DRUG FOR VETERINARY USE*

4160. Adulteration and misbranding of Hepto-Sol solution. U. S. v. 39 Bottles * * *. (F. D. C. No. 35010. Sample No. 38936-L.)

LABEL FILED: On or about April 28, 1953, Western District of Virginia.

ALLEGED SHIPMENT: On or about March 19, 1953, by the Atlantic Supply Co., from Duncannon, Pa.

PRODUCT: 39 1-gallon bottles of *Hepto-Sol solution* at Harrisonburg, Va. Analysis showed that each 100 cc. of the product contained not more than 0.12 gram of 2-amino-5-nitrothiazole.

LABEL, IN PART: "1 Gallon Hepto-Sol Solution of 2-Amino-5-Nitrothiazole In An Excess of Sodium Hydroxide for the Prevention and Control of Enterohепtatitis (Blackhead) in Turkeys. Each 100 CC Contains 7.68 Grams of 2-Amino-5-Nitrothiazole."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess, namely, 7.68 grams of 2-amino-5-nitrothiazole in each 100 cc.

Misbranding, Section 502 (a), the label statement "Each 100 CC Contains 7.68 Grams of 2-Amino-5-Nitrothiazole" was false and misleading as applied to the article, which contained less than 7.68 grams of 2-amino-5-nitrothiazole in each 100 cc.

DISPOSITION: June 5, 1953. Default decree of condemnation and destruction.

*See also No. 4157.

U. S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

4161-4180

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare, and include, where indicated, the results of investigations by the Department, prior to the institution of the proceedings. Published by direction of the Secretary of Health, Education, and Welfare.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., July 12, 1954.

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*For presence of a habit-forming narcotic without warning statement, see No. 4163; failure to bear a label containing an accurate statement of the quantity of the contents, Nos. 4161, 4163; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, Nos. 4161, 4163; cosmetic, actionable under the drug provisions of the Act, No. 4175.